

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1526
96TH GENERAL ASSEMBLY

4267L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.045, 163.172, 168.101, 168.110, 168.114, 168.124, 168.126, 168.211, 168.221, 168.251, 168.291, and 168.410, RSMo, and to enact in lieu thereof twelve new sections relating to school personnel.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.045, 163.172, 168.101, 168.110, 168.114, 168.124, 168.126, 168.211, 168.221, 168.251, 168.291, and 168.410, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.045, 163.172, 168.101, 168.110, 168.114, 168.124, 168.126, 168.211, 168.221, 168.251, 168.410, and 168.1032, to read as follows:

- 160.045. 1. Each public school shall develop standards for teaching no later than June 30, 2010. The standards shall be applicable to all public schools, including public charter schools operated by the board of a school district.
2. Teaching standards shall include, but not be limited to, the following:
- (1) Students actively participate and are successful in the learning process;
 - (2) Various forms of assessment are used to monitor and manage student learning;
 - (3) The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior;
 - (4) The teacher uses professional communication and interaction with the school community;
 - (5) The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance; and
 - (6) The teacher acts as a responsible professional in the overall mission of the school.
3. The department may provide assistance to public schools in developing these standards upon request.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **4. The teaching standards adopted by each district board of education may be**
17 **included as part of a district's evaluation system for the purposes of section 168.1032.**

163.172. 1. In school year 1994-95 and thereafter until school year 2006-07, the
2 minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07,
3 the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the
4 minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008-09, the
5 minimum teacher's salary shall be twenty-four thousand dollars; in school year 2009-10 and
6 thereafter, the minimum teacher's salary shall be twenty-five thousand dollars. [Beginning in the
7 school year 1996-97 until school year 2006-07, for any full-time teacher with a master's degree
8 and at least ten years' teaching experience in a public school or combination of public schools,
9 the minimum salary shall be twenty-four thousand dollars. Beginning in the school year
10 2006-07, for any full-time teacher with a master's degree in an academic teaching field and at
11 least ten years' teaching experience in a public school or combination of public schools, the
12 minimum salary shall be thirty thousand dollars; in the 2007-08 school year such minimum
13 salary shall be thirty-one thousand dollars; in the 2008-09 school year such minimum salary shall
14 be thirty-two thousand dollars; and in the 2009-10 school year such minimum salary shall be
15 thirty-three thousand dollars.]

16 2. Beginning with the budget requests for fiscal year 1991, the commissioner of
17 education shall present to the appropriate committees of the general assembly information on the
18 average Missouri teacher's salary, regional average salary data, and national average salary data.

19 3. All school salary information shall be public information.

20 4. As used in this section, the term "salary" shall be defined as the salary figure which
21 appears on the teacher's contract and as determined by the local school district's basic salary
22 schedule and does not include supplements for extra duties.

23 5. The minimum salary for any fully certificated teacher employed on a less than
24 full-time basis by a school district, state school for the severely handicapped, the Missouri
25 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts
26 provided in subsection 1 of this section.

168.101. 1. In addition to the employment of teachers as provided in section 168.104,
2 the school board or board of directors of a school district, except a metropolitan school district,
3 may, at any regular or special meeting, contract and employ legally certificated teachers not
4 employed as superintendent of the district and not eligible under section 168.104 to gain
5 permanent status or tenure in the position held within the school system. The contract shall be
6 made by the order of the board, shall specify the number of months the employee is to work and
7 the wages per month to be paid, shall be signed by the employee and the president of the board,

8 or a facsimile signature of the president may be affixed at his direction, and the contract shall be
9 attested by the secretary of the board by signature or facsimile.

10 2. After the original employment of a certificated employee not employed as
11 superintendent of the district under this section, his employment shall continue in the same staff
12 position from year to year subject to the regulations hereinafter set forth.

13 3. Each school board having one or more certificated employees as described in
14 subsection 1 of this section under contract shall notify each such certificated employee in writing
15 concerning his reemployment in his present staff position or lack thereof on or before the
16 fifteenth day of [April] **May** of the year in which the contract then in force expires. Failure on
17 the part of a board to give the notice constitutes reemployment on the same terms and in the same
18 staff position as those provided in the contract of the current fiscal year; and not later than the
19 fifteenth day of [May] **June** of the same year the board shall present a contract to each such
20 certificated employee notified of reemployment by the district.

21 4. Any motion regarding reemployment of such certificated employee shall include only
22 one person and a motion to reemploy shall be made in the positive sense and a majority of the
23 elected members voting in the affirmative shall constitute reemployment.

24 5. Any such certificated employee not employed as superintendent of the district who
25 receives a contract shall within fifteen days thereafter present to the employing board a written
26 acceptance or rejection of the employment tendered and his failure to present the acceptance
27 within such time constitutes a rejection of the board's offer.

28 6. If such certificated employee has been reemployed five times within the district, the
29 school board, if requested in writing by such certificated employee within ten days after receipt
30 of notice of demotion or lack of reemployment on the same terms and in the same staff position,
31 shall make available in writing a statement of reasons for demotion or lack of reemployment
32 within ten days after receipt of the request. The board shall grant such certificated employee a
33 hearing if requested in writing by him within ten days after the receipt of statement of reasons,
34 the hearing to be held within ten days after the request therefor, and to be open at the request of
35 the certificated employee. The certificated employee may have counsel at the hearing, may
36 testify and offer testimony of witnesses as well as other evidence sustaining his defense and may
37 cross-examine adverse witnesses.

38 7. A contract between the board of education and such certificated employee may be
39 terminated at any time by mutual consent of the certificated employee and the board.

40 8. This section shall not affect the employment or reemployment of the superintendent
41 of schools by a board of education.

168.110. The board of education of a school district may modify an indefinite contract
2 annually on or before the fifteenth day of [May] **June** in the following particulars:

- 3 (1) Determination of the date of beginning and length of the next school year;
- 4 (2) Fixing the amount of annual compensation for the following school year as provided
- 5 by the [salary schedule] **compensation plan** adopted by the board of education [applicable to
- 6 all teachers]. The modifications shall be effective at the beginning of the next school year. All
- 7 teachers affected by the modification shall be furnished written copies of the modifications
- 8 within thirty days after their adoption by the board of education.

168.114. 1. An indefinite contract with a permanent teacher shall not be terminated by

2 the board of education of a school district except for one or more of the following

3 causes **detailed in board policy**:

- 4 (1) [Physical or mental condition unfitting him to instruct or associate with children;
- 5 (2) Immoral conduct;
- 6 (3) Incompetency, inefficiency or insubordination in line of duty;
- 7 (4)] **Unsatisfactory performance based on an evaluation that includes performance**
- 8 **on the teaching standards adopted under section 160.045 as well as any performance**
- 9 **measures under section 168.1032;**
- 10 (2) Willful or persistent violation of, or failure to obey, the school laws of the state or
- 11 the published **policies, procedures, or** regulations of the board of education of the school district
- 12 employing him **or her, or insubordination in the line of duty**;
- 13 [(5)] (3) Excessive or unreasonable absence from performance of duties **in violation of**
- 14 **stated school practices**; or
- 15 [(6)] (4) Conviction of a felony or a crime involving moral turpitude **as specified in**
- 16 **section 168.071 or immoral conduct**.

17 2. In determining the [professional competency of or efficiency of a permanent]

18 **performance of a** teacher, consideration [should] **shall** be given to regular and special

19 evaluation reports prepared in accordance with the policy of the employing school district and

20 to any written standards of performance which may have been adopted by the school board

21 **under sections 160.045 and 168.1032**.

168.124. [1.] The board of education of a school district may place on leave of absence

2 as many teachers as may be necessary because of a decrease in pupil enrollment, school district

3 reorganization or the financial condition of the school district. In placing teachers on leave, the

4 board of education shall be governed by the following provisions:

- 5 (1) [No permanent teacher shall be placed on leave of absence while probationary
- 6 teachers are retained in positions for which a permanent teacher is qualified;
- 7 (2) Permanent teachers shall be retained on the basis of performance-based evaluations
- 8 and seniority (however, seniority shall not be controlling) within the field of specialization;

9 (3) Permanent teachers shall be reinstated to the positions from which they have been
10 given leaves of absence, or if not available, to positions requiring like training and experience,
11 or to other positions in the school system for which they are qualified by training and experience;

12 **(4)] Seniority or years of service shall not be used as criteria for reduction in force;**
13 **effective teacher performance shall be the deciding criterion;**

14 **(2)** No appointment of new teachers shall be made while there are available teachers on
15 unrequested leave of absence who are properly qualified to fill such vacancies **based on the**
16 **board's criteria for effective teacher performance;**

17 **[(5)] (3)** A teacher placed on leave of absence may engage in teaching or another
18 occupation during the period of such leave;

19 **[(6)] (4)** The leave of absence shall not impair the tenure of a teacher; **and**

20 **[(7)] (5)** The leave of absence shall continue for a period of not more than three years
21 unless extended by the board.

22 [2. Should a board of education choose to utilize the mechanism for reducing teacher
23 forces as provided in subsection 1 of this section in an attempt to manage adverse financial
24 conditions caused at least partially by a withholding of, or a decrease or less than expected
25 increase in, education appropriations, then the district additionally shall follow the provisions
26 of subsection 3 of this section.

27 3. If a school district has an unrestricted combined ending fund balance of more than ten
28 percent of current expenditures in its teachers' and incidental funds, and in the subsequent fiscal
29 year such district, because of state appropriations, places a contracted teacher on leave of absence
30 after forty days subsequent to the governor signing the elementary and secondary education
31 appropriation bill, the district shall pay the affected teacher the greater of his or her salary for any
32 days worked under the contract, or a sum equal to three thousand dollars.]

168.126. 1. A board of education at a regular or special meeting may contract with and
2 employ by a majority vote legally qualified probationary teachers for the school district. The
3 contract shall be made by order of the board; shall specify the number of months school is to be
4 taught and the wages per month to be paid; shall be signed by the probationary teacher and the
5 president of the board, or a facsimile signature of the president may be affixed at his discretion;
6 and the contract shall be attested by the secretary of the board by signature or facsimile. The
7 board shall not employ one of its members as a teacher; nor shall any person be employed as a
8 teacher who is related within the fourth degree to any board member, either by consanguinity or
9 affinity, where the vote of the board member is necessary to the selection of the person.

10 2. If in the opinion of the board of education any probationary teacher has been doing
11 unsatisfactory work, the board of education, through its authorized administrative representative,

12 shall provide the teacher with a written statement definitely setting forth his alleged
13 incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity
14 to correct his fault and overcome his incompetency. If improvement satisfactory to the board of
15 education has not been made within ninety days of the receipt of the notification, the board of
16 education may terminate the employment of the probationary teacher immediately or at the end
17 of the school year. Any motion to terminate the employment of a probationary teacher shall
18 include only one person and must be approved by a majority of the members of the board of
19 education. A tie vote thereon constitutes termination. On or before the fifteenth day of [April]
20 **May** in each school year, the board of education shall notify in writing a probationary teacher
21 who will not be retained by the school district of the termination of his employment. Upon
22 request, the notice shall contain a concise statement of the reason or reasons the employment of
23 the probationary teacher is being terminated. If the reason for the termination is due to a
24 decrease in pupil enrollment, school district reorganization, or the financial condition of the
25 school district, then the district shall in all cases issue notice to the teacher expressly declaring
26 such as the reason for such termination. Nothing contained in this section shall give rise to a
27 cause of action not currently cognizant at law by a probationary teacher for any reason given in
28 said writing so long as the board issues the letter in good faith without malice, but an action for
29 actual damages may be maintained by any person for the deprivation of a right conferred by this
30 act.

31 3. Any probationary teacher who is not notified of the termination of his employment
32 shall be deemed to have been appointed for the next school year, under the terms of the contract
33 for the preceding year. A probationary teacher who is informed of reemployment by written
34 notice shall be tendered a contract on or before the fifteenth day of [May] **June**, and shall within
35 fifteen days thereafter present to the employing board of education a written acceptance or
36 rejection of the employment tendered, and failure of such teachers to present the acceptance
37 within such time constitutes a rejection of the board's offer. A contract between a probationary
38 teacher and a board of education may be terminated or modified at any time by the mutual
39 consent of the parties thereto.

168.211. 1. In metropolitan districts the superintendent of schools shall be appointed
2 by the board of education for a term of one to five years, during which term his compensation
3 shall not be reduced. The superintendent of schools may appoint, with the approval of the board,
4 a treasurer, a commissioner of school buildings and he shall serve at the pleasure of the
5 superintendent of schools and as many associate and assistant superintendents as he deems
6 necessary, whose compensation shall be fixed by the board. The superintendent of schools shall

7 give bond in the sum that the board requires but not less than fifty thousand dollars. No
8 employee or agent of the board shall be a member of the board.

9 2. The superintendent of schools shall have general supervision, subject to policies
10 established by the board, of the school system, including its various departments and physical
11 properties, courses of instruction, discipline and conduct of the schools, textbooks and studies.
12 All appointments, promotions and transfers of teachers and all other employees, and introduction
13 and changes of textbooks and apparatus, shall be made by the superintendent with the approval
14 of the board. All appointments and promotions of teachers and all other employees shall be
15 made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment,
16 by examination, and in cases of promotion, by [length and] character of service. Examinations
17 for appointment shall be conducted by the superintendent under regulations to be made by the
18 board. He shall make such reports to the board that it directs or the rules provide.

19 3. The superintendent of schools shall have general supervision, subject to policies
20 established by the board, of all school buildings, apparatus, equipment and school grounds and
21 of their construction, installation, operation, repair, care and maintenance; the purchasing of all
22 supplies and equipment; the operation of the school lunchrooms; the administration of
23 examinations for the appointment and promotion of all employees of the school system; and the
24 preparation and administration of the annual budget for the school system. Subject to the
25 approval of the board of education as to number and salaries, the superintendent may appoint as
26 many employees as are necessary for the proper performance of his duties.

27 4. The board may grant a leave of absence to the superintendent of schools, and may
28 remove him from office by vote of a majority of its members.

29 5. Should the superintendent hire a commissioner of school buildings, said person shall
30 be a person qualified by reason of education, experience and general familiarity with buildings
31 and personnel to assume the following responsibilities and duties. Subject to the control of the
32 superintendent of schools, he shall exercise supervision over all school buildings, machinery,
33 heating systems, equipment, school grounds and other buildings and premises of the board of
34 education and the construction, installation, operation, repair, care and maintenance related
35 thereto and the personnel connected therewith; the purchasing of building supplies and
36 equipment and such other duties as may be assigned to him by board rules or regulations.

168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district shall be deemed a period of probation during which period all
3 appointments of teachers shall expire at the end of each school year. During the probationary
4 period any probationary teacher whose work is unsatisfactory shall be furnished by the
5 superintendent of schools with a written statement setting forth the nature of his incompetency.

6 If improvement satisfactory to the superintendent is not made within one semester after the
7 receipt of the statement, the probationary teacher shall be dismissed. The semester granted the
8 probationary teacher in which to improve shall not in any case be a means of prolonging the
9 probationary period beyond five years and six months from the date on which the teacher entered
10 the employ of the board of education. The superintendent of schools on or before the fifteenth
11 day of [April] **May** in each year shall notify probationary teachers who will not be retained by
12 the school district of the termination of their services. Any probationary teacher who is not so
13 notified shall be deemed to have been appointed for the next school year. Any principal who
14 prior to becoming a principal had attained permanent employee status as a teacher shall upon
15 ceasing to be a principal have a right to resume his or her permanent teacher position with the
16 time served as a principal being treated as if such time had been served as a teacher for the
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time of service.

20 2. After completion of satisfactory probationary services, appointments of teachers shall
21 become permanent, subject to removal for any one or more causes herein described and to the
22 right of the board to terminate the services of all who attain the age of compulsory retirement
23 fixed by the retirement system. In determining the duration of the probationary period of
24 employment in this section specified, the time of service rendered as a substitute teacher shall
25 not be included.

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, **incompetency**, or inefficiency in line of duty,
28 violation of the published regulations of the school district, violation of the laws of Missouri
29 governing the public schools of the state, or physical or mental condition which incapacitates
30 him for instructing or associating with children, and then only by a vote of not less than a
31 majority of all the members of the board, upon written charges presented by the superintendent
32 of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon
33 the person against whom they are preferred, who shall have the privilege of being present at the
34 hearing, together with counsel, offering evidence and making defense thereto. [Notifications
35 received by an employee during a vacation period shall be considered as received on the first day
36 of the school term following.] At the request of any person so charged the hearing shall be
37 public. During any time in which powers granted to the district's board of education are vested
38 in a special administrative board, the special administrative board may appoint a hearing officer
39 to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under
40 chapter 536 and shall issue a written recommendation to the board rendering the charges against

41 the teacher. The board shall render a decision on the charges upon the review of the hearing
42 officer's recommendations and the record from the hearing. The action and decision of the board
43 upon the charges shall be final. Pending the hearing of the charges, the person charged may be
44 suspended if the rules of the board so prescribe, but in the event the board does not by a majority
45 vote of all the members remove the teacher upon charges presented by the superintendent, the
46 person shall not suffer any loss of salary by reason of the suspension. **Incompetency or**
47 **inefficiency in line of duty is cause for dismissal only after the teacher has been notified in**
48 **writing at least [one semester] thirty days prior to the presentment of charges against him or**
49 **her by the superintendent. The notification shall specify the nature of the incompetency**
50 **or inefficiency with such particularity as to enable the teacher to be informed of the nature of his**
51 **or her incompetency or inefficiency. Thereafter, both the superintendent, or his or her**
52 **designated representative, and the teacher shall meet and confer in an effort to resolve the**
53 **matter.**

54 4. No teacher whose appointment has become permanent shall be demoted nor shall his
55 **or her** salary be reduced unless the same procedure is followed as herein stated for the removal
56 of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or
57 who is demoted may waive the presentment of charges against him **or her** by the superintendent
58 and a hearing thereon by the board. The foregoing provision shall apply only to permanent
59 teachers prior to the compulsory retirement age under the retirement system. Nothing herein
60 contained shall in any way restrict or limit the power of the board of education to make
61 reductions in the number of teachers or principals, or both, because of insufficient funds,
62 decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except
63 that the abolition of particular subjects or courses of instruction shall not cause those teachers
64 who have been teaching the subjects or giving the courses of instruction to be placed on leave
65 of absence as herein provided who are qualified to teach other subjects or courses of instruction,
66 if positions are available for the teachers in the other subjects or courses of instruction.

67 5. Whenever it is necessary to decrease the number of teachers because of insufficient
68 funds or a substantial decrease of pupil population within the school district, the board of
69 education upon recommendation of the superintendent of schools may cause the necessary
70 number of teachers beginning with those serving probationary periods to be placed on leave of
71 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
72 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
73 placed on a leave of absence shall be precluded from securing other employment during the
74 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
75 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss

76 of status or credit for previous years of service. [No new appointments shall be made while there
77 are available teachers on leave of absence who are seventy years of age or less and who are
78 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
79 schools within thirty days from the date of notification by the superintendent of schools that
80 positions are available to them that they will return to employment and will assume the duties
81 of the position to which appointed not later than the beginning of the school year next following
82 the date of the notice by the superintendent of schools.] **Such leave of absence shall not impair
83 the tenure of a teacher. The leave of absence may continue for a period of not more than
84 three years unless extended by the board.**

85 6. If any regulation which deals with the promotion of teachers is amended by increasing
86 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment
87 shall fix an effective date which shall allow a reasonable length of time within which teachers
88 may become qualified for promotion under the regulations.

89 7. A teacher whose appointment has become permanent may give up the right to a
90 permanent appointment to participate in the teacher choice compensation package under sections
91 168.745 to 168.750.

168.251. 1. All employees of a metropolitan school district shall be appointed and
2 promoted under rules and regulations prescribed by the board of education of the school district.
3 The rules shall be complementary to the provisions of sections 168.251 to 168.291 as to the
4 removal, discharge, suspension without pay or demotion of permanent employees and not in
5 derogation thereof. The word "employee" or "employees" as used in this section means all
6 employees, male or female, except certificated employees.

7 2. All appointments and promotions of noncertificated employees shall be made in the
8 case of appointment by examination, and in case of promotion by [length and] character of
9 service. Examinations for appointments shall be conducted by the director of personnel under
10 regulations to be made by the board.

11 3. Sections 168.251 to 168.291 shall not apply to employees hired after August 28, 2009.

168.410. 1. School administrators and school district superintendents shall be evaluated
2 in the following manner:

3 (1) The board of education of each school district shall cause a comprehensive
4 performance-based evaluation for each administrator employed by the district. Such evaluation
5 shall be ongoing and of sufficient specificity and frequency to provide for demonstrated
6 standards of competency and academic ability;

(2) All evaluations shall be maintained in the respective administrator's personnel file at the office of the board of education of the school district. A copy of each evaluation shall be provided to the person being evaluated and to the appropriate administrator[;] .

2. The Missouri administration standards professional continuum for leaders may be included as part of a district's evaluation system for purposes of section 168.1032.

[(3)] 3. The state department of elementary and secondary education shall provide suggested procedures for the evaluations performed under this section.

168.1032. 1. Notwithstanding sections 160.045 and 168.410, evaluation of teachers and principals shall include, at a minimum, the following:

(1) Each district board of education shall develop and implement an evaluation system for elementary and secondary school teachers and principals that uses multiple measures aligned with growth in student achievement, and shall use the evaluation system as the basis for personnel and compensation decisions about teachers and principals, consistent with this section and the district's compensation plan and with regulations issued by the department of elementary and secondary education;

(2) If a district board of education fails to adopt an evaluation system consistent with the requirements and timelines of this section, or at the election of the district board of education, the district board of education shall use the model evaluation system developed by the department under this section.

2. The district's evaluation system shall be developed and implemented in consultation with teachers and principals and with parents of students and include continuing input from teachers, principals, and parents; provided, that policies and procedures for the system and actions to implement the system shall not be subject to collective bargaining.

3. Teachers and principals shall be evaluated using multiple, rigorous measures. Evaluation measures shall include the following:

(1) For teachers who teach courses that are subject to state assessments aligned with state standards and for the principals of elementary or secondary schools that use these assessments, student achievement growth on such assessments shall count for at least fifty percent of the evaluation;

(2) For teachers who do not directly instruct students in subjects and grades subject to assessments aligned with state standards, but who are expected to contribute to student performance on such assessments, growth in student achievement on such assessments shall be used as an evaluation measure and shall count for at least fifty percent of the evaluation;

29 **(3) Student achievement growth shall be measured through such assessments in**
30 **accordance with a state-level growth model and with value-added methods developed by**
31 **the department;**

32 **(4) Multiple additional measures for teachers shall be correlated with impacts on**
33 **student achievement results. These measures may include student surveys and multiple**
34 **classroom observations each year by trained teachers, principals, administrators, or other**
35 **professionals, using clear, consistent observation rubrics provided to the teacher in**
36 **advance and may include other measures aligned with student achievement as designated**
37 **by the school district;**

38 **(5) Districts shall develop evaluation standards for teachers who are in their first**
39 **year of employment in their career and thus lack student performance results. A district's**
40 **teaching standards under section 160.045 and measures specifically directed towards new**
41 **teachers may be used in lieu of student performance under this subsection during the first**
42 **year of employment;**

43 **(6) The department of elementary and secondary education shall develop suggested**
44 **procedures and models for teacher performance evaluations that include suggestions for**
45 **evaluation of student academic performance as measured by instruments other than a**
46 **statewide assessment that may be included in the required fifty percent of the teacher**
47 **evaluation based on performance, which may be applied to certificated teachers who are**
48 **not assigned to a classroom, or whose assignment lacks evaluation instruments specific to**
49 **their assignments or in addition to statewide assessment performance for teachers whose**
50 **assignments are subject to the statewide assessment;**

51 **(7) Multiple additional measures for principals shall be correlated with impacts on**
52 **student achievement results for students in all subgroups and shall include the principal's**
53 **ability to attract and retain highly effective teachers; management of the school, including**
54 **its finances, space, and legal compliance; and parental engagement in the school; and shall**
55 **include at least fifty percent from measures aligned with student achievement.**

56 **4. Notice of evaluation measures and effectiveness ratings shall be based on the**
57 **following:**

58 **(1) Teachers and principals shall be given written notice in advance of the measures**
59 **and any specific indicators that will be used to evaluate them including any teaching**
60 **standards adopted under section 160.045 or administrator standards adopted under**
61 **section 168.410;**

62 **(2) Each teacher and principal shall be given one of four rating levels that are**
63 **designated as "Highly Effective", "Effective", "Needs Improvement", or "Ineffective", as**

64 further defined by the department of elementary and secondary education or district board
65 of education; provided, that the rating of "Effective" shall be based in significant part on
66 the percentage of students who achieved at least one year's worth of growth for a school
67 year of instruction, or otherwise achieved appropriate growth based on expectations
68 derived from at least two years of individual student achievement data, except for a teacher
69 who is in his or her first year of employment.

70 5. District boards of education shall base decisions regarding significant
71 differentiation in pay, retention, promotion, dismissals, and other staffing decisions,
72 including contract length, transfers, placements, and preferences in the event of reductions
73 in force as provided in section 168.124 or 168.221, primarily on evaluation results for
74 teachers and principals. After July 1, 2013, a teacher who has received two successive
75 annual evaluations of ineffective shall not be reemployed.

76 6. Each teacher and principal contract and collective bargaining agreement entered
77 into after July 1, 2013, shall authorize use of evaluation results as the basis for the decisions
78 described in subsection 5 of this section.

79 7. Each district board of education, with such assistance as may be available from
80 the department, shall develop the evaluation system for administration as a pilot during
81 the 2012-13 school year and shall review the results of the pilot to determine the
82 professional development needs of teachers and principals and to make adjustments to the
83 system for full implementation during school year 2013-14.

84 8. The department of elementary and secondary education shall:

85 (1) Develop standards for implementation of local evaluation systems under this
86 section, including, but not limited to:

87 (a) Processes to determine the teacher of record for purposes of assigning student
88 achievement scores to a teacher in evaluating the teacher's performance;

89 (b) Processes to verify the minimum amount of instructional time given by the
90 teacher to a student in order to assign the student's achievement scores to the teacher for
91 the purposes of evaluating the teacher's performance;

92 (c) Standards for rating levels to be assigned to teachers and principals, consistent
93 with this section;

94 (d) Processes and requirements for value-added methods to be used in measuring
95 student achievement growth for purposes of teacher and principal evaluation; and

96 (e) Minimum training requirements for evaluators of teachers and principals;

97 (2) Develop, implement, and publicly disseminate a statewide student growth model
98 and a value-added system for determining student growth on assessments for purposes of

99 **teacher and principal evaluation in order to standardize student academic growth**
100 **measures and ensure teachers are measured according to the value they add to student**
101 **growth;**

102 **(3) Provide technical assistance to district boards of education in developing and**
103 **implementing a local evaluation system under this section, including providing or helping**
104 **to develop training for evaluators and a resource bank that identifies assessments,**
105 **processes, tools, and policies that a district board of education may use to develop its**
106 **evaluation system. The resource bank shall include resources that are appropriate to**
107 **districts of different sizes, demographics, and locations and shall be updated periodically**
108 **to reflect new research and experience in implementing section 168.1032;**

109 **(4) Develop a default evaluation system, consistent with this section, that shall be**
110 **used by districts that are not able to develop their own system or that elect to use the state**
111 **model evaluation system developed by the department of elementary and secondary**
112 **education. A district that uses the state model evaluation system may revise or adapt**
113 **policies or processes in the system to the extent consistent with this section and regulations**
114 **of the department;**

115 **(5) Provide or approve evaluation forms to be used in evaluating teachers and**
116 **principals;**

117 **(6) Include in its longitudinal data system links between data for teacher**
118 **preparation programs in the state and achievement data for individual students; and**

119 **(7) Monitor local evaluation systems established under this section to ensure that**
120 **evaluation outcomes are consistent in the aggregate with student achievement results at the**
121 **district and school levels and that the evaluation systems meet the requirements of this**
122 **section and direct any appropriate corrective actions.**

2 [168.291. Whenever it is necessary to decrease the number of employees
3 because of insufficient funds or decrease in pupil enrollment or lack of work the
4 board of education may cause the necessary number of employees, beginning
5 with those serving probationary periods, to be placed on leave of absence without
6 pay, but only in the inverse order of their appointment. Each employee placed
7 on leave of absence shall be reinstated in inverse order of his placement on leave
8 of absence. Such reemployment shall not result in a loss of status or credit for
9 previous periods of service. No new appointments shall be made while there are
10 available employees on leave of absence who have not attained the age of seventy
11 years and who are adequately qualified to fill the vacancy in the particular
12 department unless the employees fail to advise the board within thirty days from
13 date of notification by the board that positions are available to them, that they
will return to employment, and will assume the duties of the position to which

14 they are appointed not later than the beginning of the month following the date
15 of the notice by the board.]

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